

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

RICARDO RODRIGUEZ,)	
)	
Plaintiff,)	Case No.: 18 CV 07951
)	
v.)	
)	
CHICAGO POLICE OFFICERS)	Judge Mary Rowland
REYNALDO GUEVARA, ERNEST)	Magistrate Judge Susan E. Cox
HALVORSEN, RICHARD CURLEY,)	
ROBERT BIEBEL, ED MINGEY, LEE)	
EPPLEN, M. SANDERS, J. MOHAN,)	
AND UNKNOWN OFFICERS;)	JURY TRIAL DEMANDED
and the CITY OF CHICAGO.)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO COMPEL
PLAINTIFF TO ANSWER WRITTEN DISCOVERY**

Defendants, Ernest Halvorsen, Edward Mingey, Richard Curley, Robert Biebel, Lee Epplen and Mark Sanders, ("Defendant Officers") by and through their respective undersigned attorneys, move to compel Plaintiff to answer outstanding written discovery and state:

1. Plaintiff sued Defendants under 42 U.S.C §1983 and state law alleging he was wrongfully convicted for the 1995 murder of Rodney Kemppainen.
2. On October 1, 2019, Defendant Officers served Plaintiff's counsel with their first sets of interrogatories and requests to produce.
3. The Parties entered mutual agreements for extensions of time to answer written discovery and agreed to answer outstanding written discovery by November 12, 2019.
4. Plaintiff requested an additional day until November 13, 2019 to respond to written discovery and Defendant Officers had no objection.

5. On December 5, 2019 and again on December 12, 2019 Defendant Officers emailed Plaintiff's counsel to inquire about the outstanding written discovery. Counsel for Defendant Officers also left a voicemail for Plaintiff's counsel on December 16, 2019. Defendants emailed Plaintiff's counsel again on December 17, 2019 advising that if they did not receive Plaintiff's outstanding answers to written discovery or contact from Plaintiff's attorney by December 23, 2019 Defendants would ask the Court for help.

6. Plaintiff's counsel responded advising that Plaintiff would provide his answers to written discovery by December 23, 2019. Defendants did not receive Plaintiff's answers to written discovery on December 23, 2019 and again emailed Plaintiff's counsel on December 27, 2019 requesting Plaintiff provide answer to written discovery by December 30, 2019 or contact Defendant Officers because: "We are willing to work with you on this, but need you to provide us more information about the reason(s) for the ongoing delay and when you expect that to be rectified so that we can plan accordingly."

7. Plaintiff did not answer outstanding written discovery and did not respond to the email until January 7, 2020 advising "**Plaintiff's responses to Defendants' discovery requests -** Plaintiff recognize that these documents are outstanding, and we apologize for the delay. Mr. Rodriguez has been out of state caring for some elderly relatives, but we recognize the need to get these done to move the case forward. We are finalizing our responses now and will provide them by Friday."

8. On January 8, 2020, the Parties appeared in Court on Defendants' Motion for a HIPAA protective Order, at which time Plaintiff's counsel again reiterated that answers to outstanding written discovery would be served on Friday (January 10, 2020).

9. Defendant Officers did not receive Plaintiff's responses to written discovery and on Monday January 13, 2020 spoke to Plaintiff's counsel about the outstanding discovery, who advised that he would look into it and advise when responses to written discovery would be served. On January 14, 2020, Plaintiff's attorney advised that Plaintiff would serve Plaintiff's answers to written discovery by Wednesday January 15, 2020.

10. On January 15, 2020, Defendant Officers did not receive Plaintiff's Responses to written discovery or a request for additional time.

11. Additionally, the parties are aware that on August 27, 2019, a warrant for "Kidnapping Ransom Home Invasion" pursuant to 720 ILCS 5/19-6(a)(3) and "Aggravated Unlawful Felony Restraint" pursuant to 720 ILCS 5/10-3(a) was issued in Cook County for Plaintiff's arrest. To Defendant Officers' knowledge, that warrant is still outstanding.

Accordingly, Plaintiff's ability to prosecute this lawsuit is in doubt.

12. Moreover, Plaintiff's failure to timely answer written discovery has caused delay in discovery and Defendant Officers request this Court compel Plaintiff to answer outstanding written discovery by January 28, 2020.

WHEREFORE, Defendants respectfully request the Court enter an order compelling Plaintiff to answer the Defendant Officers' outstanding written discovery by January 28, 2020, and for such further relief as this Court deems appropriate.

Dated: January 16, 2020

Respectfully submitted,

/s/ Josh M. Engquist

JOSH M. ENGQUIST, Attorney No. 06242849

One of the Attorneys for Individual Defendants

James G. Sotos
Caroline P. Golden
Josh M. Engquist
David A. Brueggen
THE SOTOS LAW FIRM, P.C.
141 W. Jackson Blvd., Suite 1240A
Chicago, Illinois 60604
(630) 735-3300
jengquist@jsotoslaw.com

CERTIFICATE OF SERVICE

I certify that on January 16, 2020, I electronically filed the foregoing **Defendant Officers' Motion to Compel Plaintiff to Answer Written Discovery**, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants listed in the below service list:

Attorneys for Ricardo Rodriguez:

Jon Loevy
Russell Ainsworth
Tara Thompson
LOEVY & LOEVY
311 N. Aberdeen, 3rd Floor
Chicago, IL 60607
(312) 243-5900
jon@loevy.com
russell@loevy.com
tara@loevy.com

Attorneys for City of Chicago:

Eileen E. Rosen
Stacy A. Benjamin
Catherine M. Barber
Theresa B. Carney
Austin G. Rahe
Rock Fusco & Connelly, LLC
312 N. Clark, Suite 2200
Chicago, IL 60654
(312) 494-1000
erosen@rfclaw.com
sbenjamin@rfclaw.com
cbarber@rfclaw.com
tcarney@rfclaw.com
arahe@rfclaw.com

Attorneys for Defendant Guevara:

James V. Daffada
Thomas M. Leinenweber
Kevin E. Zibolski
Justin L. Leinenweber
Leinenweber Baroni & Daffada, LLC
120 N. LaSalle St., Suite 2000
Chicago, IL 60602
(312) 663-3003
jim@ilesq.com
thomas@ilesq.com
kevin@ilesq.com
justin@ilesq.com

/s/ Josh M. Engquist _____
JOSH M. ENGQUIST, Attorney No. 06242849
One of the Attorneys for Individual Defendants